

BEFORE THE ETHICS COMMISSION
FOR THE STATE OF TENNESSEE
AT NASHVILLE

IN RE: Mr. Greg Oakley,
Respondent.

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No. 2008-0087

CONDITIONAL ASSESSMENT ORDER

This matter came on to be heard informally by the Commission on September 23, 2008 at its regularly scheduled meetings. Commission staff presented documentation indicating that Respondent failed to register as a lobbyist as required by Tenn. Code Ann. § 3-6-302(a)(2).

FINDINGS OF FACT

Documentation on file with the Commission shows, and the Commission finds, as follows:

1. Registration. Bad Wolf MMA, registered as an employer of a lobbyist on January 31, 2008. Pursuant to law, Bad Wolf MMA listed Greg Oakley as its lobbyist.
2. Registration of Lobbyist. Mr. Greg Oakley had a duty under the Tennessee Comprehensive Governmental Ethics Reform Act of 2006 ("Act") to register as a Lobbyist. Note that the law requires registration within seven (7) days of becoming a lobbyist, regardless of whether you actually engage in lobbying. Bad Wolf MMA, registered as an employer of lobbyist on January 31, 2008.
 - a. As of May 15, 2008, Greg Oakley had not registered as a lobbyist.
 - b. On July 31, 2008, Commission staff sent by electronic mail a notice of failure to register as a lobbyist.
 - c. On August 11, 2008, Commission staff mailed Greg Oakley a Notice of Informal Show Cause hearing.
 - d. At no time has Bad Wolf MMA amended or suspended its registration as an employer of a lobbyist.
3. Notice of violation. On August 11, 2008, the Commission sent Greg Oakley by certified mail, return receipt requested, a notice that the Commission intended to consider at its September 23, 2008 meeting assessment of civil penalties against Greg Oakley for failure to register as a lobbyist.

- a. The notice set forth the allegation, the maximum amount of civil penalties that could be assessed, the date, place, and time of the meeting, and Mr. Oakley's opportunity to participate in an informal proceeding at the meeting either by appearing personally or by submitting a sworn statement and documents.
 - b. On August 15, 2008, the Commission received a green card in the mail that indicated that the notice had been received.
 - c. No response to the notice was received.
4. Hearing. Mr. Greg Oakley did not appear at the meeting. As of the date of the meeting, Mr. Oakley had not registered as a Lobbyist.

CONCLUSIONS OF LAW

The Commission concludes that Mr. Oakley had an obligation under the Act to register as a Lobbyist for 2008, failed to do so, and had no "good cause" for such failure to file. The Act authorizes the Commission to administratively assess a civil penalty of not more than twenty-five dollars (\$25.00) per day up to a maximum of seven hundred fifty dollars (\$750.00) if a lobbyist fails, without good cause, to timely register. Tenn. Code Ann. § 3-6-302 (a)(2).

The Commission considers the complete failure to respond to the warning and notice concerning the failure to file to be significant. The Commission has taken steps through training, website postings, and notices to help lobbyist to come into compliance with the Act. More than a year and a half has passed since the filing requirements of the Act became effective. Mr. Oakley received an additional notice from the Commission's staff notifying him of his failure to register and requested that he respond in writing. The Commission finds that the maximum penalty of seven hundred fifty dollars (\$750.00) is appropriate in this case.

This assessment cannot become final until after respondent has been afforded an opportunity for a notice and a hearing. Tenn. Code Ann. § 3-6-107(8). Respondent's failure to participate in the informal assessment process is without prejudice to its rights to a contested case hearing under the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101—4-5-325.

CONDITIONAL ORDER

It is therefore ORDERED that a civil penalty in the amount of seven hundred fifty dollars (\$750.00) is assessed against Mr. Greg Oakley for failure to register as a lobbyist.

It is further ORDERED that the Executive Director shall issue this order and file it in the Commission's offices.

It is FURTHER ORDERED that this order shall not become final if respondent files a timely request for reconsideration of petition for a contested case hearing.

It is further ORDERED that the Executive Director shall cause to be provided to the respondent, by either personal service, certified mail return receipt requested, or overnight delivery, a copy of this order, and notice of the following:

Respondent's right to seek reconsideration of this order by filing with the Commission, within fourteen (14) days of this order, a written request for reconsideration in the form set forth in the notice;

Respondent's right to initiate a contested case proceeding by filing with the Commission, within thirty (30) days of this order, a petition for a contested case hearing in the form set forth in the notice; and

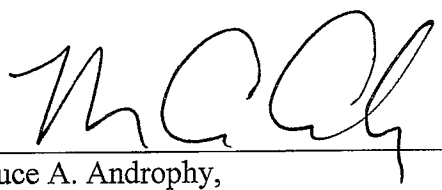
That in the event of failure to timely file a request for reconsideration or a petition for a contested case hearing the order shall become final and may form the basis for legal action to collect the civil penalty.

SO ORDERED.

Issued this 30th day of September, 2008

TENNESSEE ETHICS COMMISSION

By: _____


Bruce A. Androphy,
Executive Director